



REQUEST FOR DELEGATED RULEMAKING FOR WAC 246-290 and WAC 246-390 PFAS Exception Rulemaking

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Presenter

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Background Information

- Per- and Polyfluoroalkyl Substances (PFAS) are a group of manufactured chemicals that can be found in public drinking water systems and private drinking water wells.
- Chapter 246-290 WAC sets basic regulatory requirements to protect the health of consumers using public drinking water supplies.
- Chapter 246-390 WAC sets minimum certification and data reporting requirements for environmental laboratories that analyze drinking water samples.
- The EPA recently adopted the first national regulations related to PFAS, including federal maximum containment levels (MCLs). The federal rules include PFAS requirements for monitoring, reporting, public notification, treatment, and violations. Across almost all contaminants, the federal MCLs are stricter than the SALs currently in rule.

Background Information Cont.

- The Board adopted an emergency rule, WSR 24-14-016 on June 24, 2024, and is currently working on permanent rulemaking to amend WAC 246-290-315 to keep state protections in place until the EPA's new federal standards take effect.
- The final federal rule requires:
 - By April 2027, water systems have three years to complete initial monitoring for PFAS and provide the public with information on the levels of PFAS in their drinking water.
 - By April 2029, public water systems have five years to implement solutions that reduce PFAS if monitoring shows that drinking water levels exceed the MCLs, must take action to reduce levels of PFAS, and notify the public of violations.

Potential Changes to Rule

- Add the federal rule by reference in numerous sections within chapters 246-290 and 246-390 WAC to incorporate federal PFAS requirements for monitoring, reporting, public notification, treatment, and violations.
- Add federal PFAS levels to the appropriate contaminant tables in chapters 246-290 and 246-390 WAC.
- Minor editorial changes and updates to definitions may be considered to ensure consistency of terms between federal and state rules.

SBOH Delegation Considerations

- **The scope of the rulemaking will be limited to incorporating the federal PFAS requirements and adding federal PFAS levels into the appropriate contaminant tables.**
- The changes are exempt from significant rulemaking under RCW 34.05310(4) because incorporating federal regulations by reference without material change.
- The changes do not impact the Board's permanent rulemaking for PFAS.
- The department does not anticipate any controversy or opposition to this rule change.
- The department will use an exception rulemaking process.
- The department will keep interested parties engaged and informed via an up-to-date webpage and GovDelivery notifications that will be distributed using existing listservs. The department will have a formal comment period, as well as hold a public hearing.

Questions?





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